

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-160 (NEB/JFD)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONTEZ BROWN, ET AL.,

Defendants.

**JOINT PROPOSED PRETRIAL
DISCOVERY AND SCHEDULING
ORDER**

As directed by the Court in its May 16, 2023, Order (Dkt. 288, at 6), and the Order Concerning Motions for Continuance and Protective Order (Dkt. 345 at 3) the parties, through counsel, have met and conferred regarding a proposed discovery schedule and scheduling order. The parties propose the following pretrial and discovery scheduling order. To the extent that there are unresolvable areas of disagreement, the government's proposal is highlighted in yellow and the defense proposal is highlighted in blue.

- 1) A discovery and case management conference will be held on July __, 2023.
- 2) The United States must make its disclosures required by Fed. R. Crim. P. 16(a) by August 14, 2023.
- 3) From the date of this Order until August 14, the United States shall make discovery on a rolling basis, that is, making disclosures as materials are ready to be sent to defense counsel, rather than waiting until August 14 to make all disclosures.
- 4) The government shall immediately produce to each defendant any statements made to the government, grand jury exhibits, search warrants and applications, and all

disclosures required by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and Minn. R. Prof. Conduct 3.8(d) and 3.4(a).

- 5) The Court cannot require the parties to disclose witness statements before a witness testifies at a trial or hearing, but to avoid unnecessary delay of a hearing or trial, the Court urges the parties to voluntarily disclose witness statements one week before any hearing or trial.
- 6) The defendants must make their disclosures required by Fed. R. Crim. P. 16(b) by November 15, 2023.
- 7) The defendants must make their disclosures required by Fed. R. Crim. P. 12.1 (Alibi), 12.2 (Insanity/Mental Illness), and 12.3 (Public Authority) by November 15, 2023.
- 8) The deadline for any superseding amendments to the Indictment is October 16, 2023.
- 9) The deadline for filing dispositive and nondispositive motions is December 8, 2023.

The deadline for counsel to file a letter with the court identifying their position on the need for a hearing on the motions is December 8, 2023.
- 10) The deadline for any responses to motions is January 5, 2024.
- 11) Any Notice of Intent to Call Witnesses must be filed by January 5, 2024.
- 12) Any Responsive Notice of Intent to Call Witnesses must be filed by January 12, 2024.
- 13) In the event a motions hearing will be required, it will be held on _____, 2024.
- 14) The government shall disclose any evidence it will seek to introduce at trial pursuant to Fed. R. Crim. P. 404(b) no later than 45 calendar days before trial.
- 15) The parties must disclose the identity of any expert witness and make all expert

disclosures required by Fed. R. Crim. P. 16 no later than 45 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Fed. R. Crim. P. 16 no later than 28 days before trial.

16) Trial will commence on April 8, 2024. Proposed voir dire, jury instructions, and motions *in limine* shall be filed by March 25, 2024.

Dated: _____

Magistrate Judge John F. Docherty